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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 UNITED STATES OF AMERICA,

7 Plaintiff,

8 v.

9 SUSAN S. CRANE,

10 Defendant.

CASE NO. CR10-5586BHS

ORDER DENYING
DEFENDANT'S MOTION TO
MODIFY SENTENCE

11 This matter comes before the Court on Defendant Susan S. Crane's ("Crane")
12 motion to modify sentence (Dkt. 228). The Court has reviewed the briefs filed in support
13 of and in opposition to the motion and the remainder of the file and hereby denies the
14 motion for the reasons stated herein.


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16 On December 13, 2010, a jury found Crane guilty of trespassing on Bangor Naval
17 Base. Dkt. 123. On March 28, 2011, the Court sentenced Crane to 15 months of
18 imprisonment to be followed by one year of supervised release. Dkt. 186. On August 30,
19 2011, Crane filed a motion to modify her sentence requesting that her sentence be
20 modified so that she is ordered to serve her one year of supervised release in confinement.
21 Dkt. 228. On September 6, 2011, the Government responded. Dkt. 229.

22 A district court may increase a sentence of incarceration only where modification
23 is expressly permitted by statute or permitted by Federal Rule of Criminal Procedure 35.
24 18 U.S.C. § 3582(c)(1)(B). Where a defendant fails to meet these requisites, the district
25 court lacks jurisdiction to modify her sentence. *United States v. Barragan-Mendoza*, 174
26 F.3d 1024, 1028 (9th Cir. 1999) ("District courts do not have inherent authority to
27 resentence defendants at any time."); *United States v. Hovsepian*, 307 F.3d 922, 927 (9th
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1 Cir. 2002) (same). Federal Rule of Criminal Procedure 35(a), provides that the district
2 court may modify a sentence within 14 days of imposing it, in order to “correct a sentence
3 that resulted from arithmetical, technical, or other clear error.” Fed. R. Crim. P. 35(a).

4 In this case, the Court lacks jurisdiction to increase Crane’s sentence of
5 imprisonment. Therefore, it is hereby **ORDERED** that Crane’s motion to modify
6 sentence (Dkt. 228) is **DENIED**.

7 DATED this 13th day of September, 2011.
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13 BENJAMIN H. SETTLE
14 United States District Judge
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